

NEW YORK
LONDON
SINGAPORE
PHILADELPHIA
CHICAGO
WASHINGTON, DC
SAN FRANCISCO
SILICON VALLEY
SAN DIEGO
SHANGHAI
BOSTON
HOUSTON
LOS ANGELES
HANOI
HO CHI MINH CITY

DuaneMorris

FIRM and AFFILIATE OFFICES

ANTHONY J. COSTANTINI
DIRECT DIAL: +1 212 692 1032
PERSONAL FAX: +1 212 202 4715
E-MAIL: AJCostantini@duanemorris.com

www.duanemorris.com

ATLANTA
BALTIMORE
WILMINGTON
MIAMI
BOCA RATON
PITTSBURGH
NEWARK
LAS VEGAS
CHERRY HILL
LAKE TAHOE
MYANMAR
OMAN
A GCC REPRESENTATIVE OFFICE
OF DUANE MORRIS

MEXICO CITY
ALLIANCE WITH
MIRANDA & ESTAVILLO
SRI LANKA
ALLIANCE WITH
GOWERS INTERNATIONAL

May 31, 2019

VIA ECF AND COURTESY COPY BY FAX

Honorable Andrew L. Carter, Jr.
Honorable Laura Taylor Swain
Honorable Deborah A. Batts
United States District Court
Southern District of New York
500 Pearl Street
New York, New York

Re: Lovati et al v. The Bolivarian Republic of Venezuela – 19-cv-04793
Lovati et al v. The Bolivarian Republic of Venezuela – 19-cv-04796
Lovtai et al v. Petroleos De Venezuela – 19-cv-04799

Your Honors:

We are writing this letter at the suggestion of the Clerk's Office of the Southern District. On Thursday May 23, 2019, we filed complaints in three separate matters involving failures to pay on debts issued by the Bolivarian Republic of Venezuela or a business entity controlled by it, Petroleos de Venezuela, S.A. The plaintiffs are essentially the same in all three cases, and the defendants are also essentially the same, the Republic itself in two and the business entity in the other. While the bonds or notes themselves are different, the terms and conditions are essentially the same.

The district court's Civil Cover Sheet asked whether we were aware of any previously filed related cases and we were not. It did not ask whether we regard these three cases as related, which we did. We assumed, apparently incorrectly, that the Clerk's Office would notice the similarities.

Contrary to our assumption, the Clerk's Office initially assigned the three cases to each of the three of you. The first, 19 Civ. 04793, to Judge Carter (the 2023 Bonds issued by the Republic); the second, 19 Civ. 04796, to Judge Swain (the 2027 Bonds issued by the Republic);

DUANE MORRIS LLP

1540 BROADWAY NEW YORK, NY 10036-4086
DM3\5798833.1

PHONE: +1 212 692 1000 FAX: +1 212 692 1020

Duane Morris

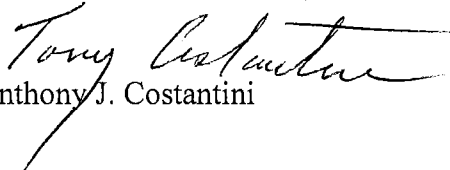
Honorable Andrew L. Carter, Jr.
Honorable Laura Taylor Swain
Honorable Deborah A. Batts
May 31, 2019
Page 2

and, the third, 19 Civ. 04799, to Judge Batts (the Notes issued by the Republic's majority owned business entity, Petroleos de Venezuela, S.A.). When we inquired of the Clerk's Office as to whether these three cases could retroactively be treated as related, they advised they could not do so but that we should write the three of you to request that they be treated as related and assigned to a single judge. We are doing so because we think it would be more efficient for the judicial system and the parties, since we fully expect that the defendants will hire the same law firm to represent them.

A particular problem has already arisen that we believe requires judicial intervention. The FSIA permits service of the Summons and Complaint as agreed in the contractual documents. This is not a problem with respect to the Notes, where the governing documents designate Corporate Service Corporation as the agent for service of process, but it is a problem on the two Bonds, where the designated agent is the Consul General of the Republic in New York or any other official at the Consulate. We have learned the Consul General has been recalled and that the Consulate has been closed. While the Republic is contractually bound to name a New York agent for service of process, we have found no evidence that it has done so. In these circumstances, we would ask permission to serve the Summons and Complaint on the Republic's Embassy to the United Nations and/or the Republic's Embassy to the United States. If you agree to assign the cases to a single judge, we will make the request promptly.

Thank you for your attention to this matter.

Respectfully,


Anthony J. Costantini

cc: Rudolph Di Massa, Esq.
Nathan Abramowitz, Esq.
Kevin P. Potere, Esq.